

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Utility Consumers' Action Network,

Complainant,

vs.

San Diego Gas & Electric Company,

Defendant.

Case 00-08-040  
(Filed August 28, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON EX PARTE COMMUNICATION**

On August 28, 2000, Utility Consumers' Action Network (UCAN) filed a complaint alleging that San Diego Gas & Electric Company's (SDG&E) meter reading quality in 1999 and 2000 had deteriorated from historical practice and consumers were prejudiced by the increase in meters being estimated, rather than read. SDG&E filed an answer denying the allegations. The complaint was designated as an adjudicatory proceeding, requiring hearings, and was assigned to Commissioner Carl Wood and Administrative Law Judge (ALJ) Carol Brown.

Pursuant to Rule 7(b) of the Rules of Practice and Procedure of the California Public Utilities Commission, ex parte communications are prohibited in adjudicatory matters. An adjudicatory matter is supposed to be decided solely on the basis of the record evidence. The primary reason for requiring only record evidence is fairness to the litigating parties. A participant must be able to know what evidence may be used against him, and to contest it through cross-

examination and rebuttal evidence. Any communication, oral or written, that takes place in a proceeding, but “outside the record” is an ex parte contact.

On January 9, 2002, I received a letter from Marta Harris, President of Utility Workers Union of America, AFL-CIO, Local 132, purporting to represent the interests of workers, including meter readers, who work at Southern California Gas Company.

Ms. Harris, the union members, and Southern California Gas Company are not parties to the complaint, so technically the communication from Ms. Harris to me might not be an ex parte communication. In addition, the record in the proceeding is closed and I am not considering any additional information that is outside the record in writing my draft decision. However, out of an abundance of procedural caution, I am treating this communication as an ex parte exchange. To cure this procedural defect, a copy of the letter is attached to this ruling and is being served on the service list for this complaint. Any party wishing to comment on the letter may do so, and any such comments are due February 15, 2002. Ms. Harris’ letter will be placed in the correspondence file for C.00-08-040, as will any comments that are received.

Dated January 31, 2002, at San Francisco, California.

/s/ CAROL BROWN  

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Carol Brown  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Ex Parte Communication on all parties of record in this proceeding or their attorneys of record.

Dated January 31, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

**(See CPUC Formal Files for Attachment)**